

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GREER, Vice-Chairman.

### THIRTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas,  
March 2, 1933.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace.	

#### Absent—Excused.

Beck. Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix)

#### Committee Reports.

(See Appendix)

#### Bills and Resolutions.

By Senator Holbrook:

S. B. No. 363, A bill to be entitled "An Act authorizing the board of trustees of the public free schools of the State of Texas to make appropriations of funds and/or other property, heretofore donated or which may hereafter be donated to them and not heretofore appropriated for any specific purpose, and when the specific purpose of the donation has not been stated or pro-

vided for by the donor, for the purpose of creating, maintaining and establishing a retirement fund for the present and future superintendents, principals, supervisors, teachers and other regularly salaried employees of said schools, in their respective districts, and providing for the management and administration of said fund by the board of trustees in the respective districts, and providing for authority of the board of trustees to make compulsory deductions from the salaries of said superintendents, principals, supervisors, teachers and other regularly salaried employees of said schools, not to exceed three per centum thereof, for the purpose of maintaining said fund; and providing that said board of trustees shall prescribe and formulate rules and regulations under which said fund or other property shall be paid to said superintendents, principals, supervisors, teachers, and other regularly salaried employees, provided that no funds or other property derived by way of taxation shall ever be used for said purpose, and providing that if any part of this Act shall be declared unconstitutional such decision shall not affect the validity of the remaining portion of the act, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Holbrook.

S. B. No. 364, A bill to be entitled "An Act making an appropriation to pay balances due for the publishing of Senate Joint Resolution No. 26 and House Joint Resolution No. 1, passed by the Regular Session of the Forty-second Legislature and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Woodul, by request.

S. B. No. 365, A bill to be entitled "An Act amending Article 7150, Section 1, of the Revised Civil Statutes of 1925, of the State of Texas, as amended by Chapter 124, of the Acts of the Regular Session of the 42nd Legislature, by adding thereto a provision exempting property belonging to any benevolent, educational or charitable organization used exclusively and reasonably necessary for its educational work, from all taxes, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Woodul:

S. B. No. 366, A bill to be entitled "An Act making it a penal offense for any person, agent or employee of any person, firm or corporation to break, remove or destroy any metal seal or any other seal, regardless of its kind or character, which has been placed upon any part of any oil and/or gas well, pipe line, loading rack, storage tank, refinery, or any connections thereto, by the Railroad Commission of Texas, through its duly authorized agents and employees, shall be guilty of a criminal offense, and upon conviction thereof shall be fined in the sum of not less than Twenty-five (25) Dollars, nor more than One Hundred (100) Dollars, or by confinement in the county jail for not less than thirty days, nor more than six months, or by both such fine and imprisonment; and, declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Woodul:

S. B. No. 367, A bill to be entitled "An Act whereby any person or any agent, employee or representative of any person, firm or corporation operating any oil well or wells in any oil field or pool in the State of Texas where the production of oil from the same is prorated or apportioned among the producing wells therein or is adjusted to prevent waste in accordance with any rule, regulation or order of the Railroad Commission of Texas entered pursuant to the provisions of Title 102 or any law of Texas, who shall knowingly permit any well or wells to produce more oil than is authorized by such rule, regulation or order by said Commission; or who shall wilfully deliver such oil from such well or wells to any purchaser without first having passed the same through a gauge tank or meter and measuring the same and making a record thereof; or who shall wilfully conceal the delivery of such oil by a by-pass or other means, method or device to prevent the measurement of same and defeat the purposes of such order regulating the production of such well, shall be deemed guilty of a felony and upon conviction thereof, shall be punished by confinement in the State penitentiary for not less than one year nor more than five years; providing that if any portion of this Act be held void for any reason the remaining portions shall re-

main in full force and effect, and, declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Woodul:

S. B. No. 368, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas in respect to conservation of oil and gas and the regulation of production, storage, transportation and refining thereof; amending Section 3, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, and changing the provisions of said section so that in addition to any penalty that may be imposed by the Commission for contempt for the violation of its rules, any person, firm, corporation, joint stock association, or any officers, agent, or employee thereof, violating any provision of this Act or Title 102 of the Revised Civil Statutes of 1925 or of any of the rules, regulations or orders of said Commission made in pursuance thereof, shall be subject to a penalty of not more than Twenty-Five Hundred (\$2,500) Dollars for each and every day of such violation and in lieu thereof in case of violation of any proration order a penalty not less than the value of the oil produced in excess of the Commission's order or more than twice the value thereof, the same to be recovered in any court of competent jurisdiction in the county in which such violation occurred, or in Travis County, such suit to be instituted under the direction of the Railroad Commission of the State of Texas, and in the name of the State of Texas by the Attorney General of the State of Texas, or by the county or district attorney in the county where the violation occurred or of Travis County; and, providing further, that the State of Texas shall have and is here given a lien upon the lease, lease-hold interest, oil and/or gas well, and the personal property thereon situated, of any person or persons, firm or corporation, or joint stock association found guilty of violation of any provision hereof, or Title 102 of the Revised Civil Statutes of 1925 or of any of the rules, regulations and orders in pursuance thereof; providing, further, that when suit is instituted by and in the name of the State of Texas to recover such penalties and to foreclose such lien and upon the filing of a Lis Pendens no-

tice in the County Clerk's office as now provided by law as to suits involving real estate that the filing of such Lis Pendens notice shall be notice that the State is claiming and asserting such lien; also, amending Section 4, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, changing the same to read as follows,—'Giving and granting the Railroad Commission of Texas the power, through the Attorney General or the County and District Attorneys in counties where the violation occurred, to institute suit against parties violating the rules, regulations and orders of the Commission, fixing the venue thereof, and providing for injunction therein'; amending Section 5, Chapter 26, of Acts of the 42nd Legislature, First Called Session and changing the same so as to authorize the Commission to inquire into the production, storage, transportation and refining of crude oil to ascertain if waste exists, requiring the reports to be made to the Commission under oath covering the production, storage, transportation and refining of crude oil and authorizing inspection of property and equipment used in such service and authorizing wells and equipment to be gauged and inspected; providing, that if any section, clause, or any provision of this Act or any other Act referred to herein shall be unconstitutional, invalid or unenforceable it shall not affect the remaining portion; and, declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodul:

S. B. No. 369, A bill to be entitled "An Act whereby any person, or any agent, employee or representative of any firm, corporation or joint stock association, that is required by the laws of the State of Texas, or under the rules and regulations of the Railroad Commission of the State of Texas, made in pursuance of the laws of said State, to keep records and make reports under such laws or rules and regulations passed by the Railroad Commission in pursuance thereof, who shall fail and refuse to keep such records and to make such reports as are required, or who shall make and deliver to the Railroad Commission of Texas, or to its properly constituted authorities, a false report as to matters for which said report is given

and required, shall be deemed guilty of a felony and upon conviction thereof, shall be punished by confinement in the State penitentiary for not less than one year nor more than five years; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Patton:

S. B. No. 370, A bill to be entitled "An Act to promote public health, safety, morals and general welfare by providing for the construction and supervision of safe and sanitary housing for families of low income, and for the sale or rental thereof on reasonable terms; authorizing the incorporation of limited dividend housing companies and prescribing the powers, rights and duties thereof; creating a State Board of Housing for the purpose of encouraging, approving, assisting, supervising and regulating such activities, prescribing and defining the powers and duties of the Board, including supervisory and regulatory powers over limited dividend housing companies engaged in such activities, authorizing the Board to fix within certain limits the rentals or purchase price of housing accommodations furnished by limited dividend housing companies."

Read and referred to Committee on State Affairs.

By Senator Oneal, by request:

S. B. No. 371, A bill to be entitled "An Act to provide for the payment to Mrs. J. D. Skelton, daughter of Colonel William Fitzhugh, deceased, the amount due the said Colonel William Fitzhugh and remaining unpaid by the State of Texas, for the purchase by the State of Texas, from Colonel William Fitzhugh, of mules for the Ranger Service, prior to 1860."

Read and referred to Committee on Finance.

By Senator Small:

S. B. No. 372, A bill to be entitled "An Act permitting appeals from orders and judgments of trial courts granting or refusing the appointment of receivers; providing for the perfection of such appeals; specifying the time for filing record in the Court of Civil Appeals and the contents of such record; providing for filing of briefs for advancing the cause on the docket of the appellate court, and

for appointment of receiver in the appellate court, or for remanding such cause with instructions; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Fellbaum, by request:

S. B. No. 373, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas, 1925, by adding a new section to be known as Section 95-b, to provide that any private corporation now created under either Section 81, 82, or 95-a, Article 1302 of the Revised Civil Statutes of the State of Texas, 1925, may so amend its charter as to include the business of selling ice manufactured with machinery used by such corporation in connection with the manufacture of refrigeration for cold storage purposes which may be used by such corporation, and that any corporation hereafter incorporated under either section of said article may be incorporated for the additional purpose of selling ice manufactured by machinery used by such corporation in connection with the manufacture of refrigeration for cold storage purposes which may be used by such corporation; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Fellbaum:

S. B. No. 374, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts heretofore created by special acts of the Legislature, having the board of seven trustees and having included within their boundaries a city whose population was in excess of two hundred thousand as shown by the last preceding Federal census; adjusting the terms of office of trustees to conform to the provisions of this Act; providing for the election of trustees of such independent school districts; providing for the filling of all vacancies in the office of trustees of such districts; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Regan:

S. B. No. 375, A bill to be entitled "An Act providing for the creation of the Texas Canyons State Park; withdrawing certain public school lands in

Brewster and Presidio Counties, Texas, from sale; providing for conveyance of said land to the State of Texas for park purposes; valuing same and making an appropriation out of the general revenue for payment of the permanent school fund of Texas for consideration of such transfer; providing that said Texas Canyon State Park shall be under supervision and control of said Texas Parks Board, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Murphy, Fellbaum, and Sanderford:

S. B. No. 376, A bill to be entitled "An Act to amend Articles 4878, 4879, 4880, 4882, 4884, 4886, 4887, 4889, and 4903 of Chapter 10, Title 78, of the Revised Civil Statutes of Texas, prescribing the powers and duties of the State Insurance Commission with respect to the fixing of fire insurance rates in this State; providing that the rate so fixed shall be the maximum rate; providing that no insurance company may charge a higher rate than the maximum rate fixed but may charge a lesser rate; providing for the exemption of no company from the provisions of this Act; authorizing the altering, amending, modifying or changing of any maximum rate fixed; providing for a credit to cities, towns, villages or localities for good fire record and the method of determining same: prohibiting discrimination against any city, town, village or locality through the assessment of a penalty for a bad fire record; regulating the method whereby fire loss ratios shall be determined for use in adjusting, modifying, altering, changing or revising the maximum rates and making the provisions of this Act apply alike to capital stock, mutual, Lloyd's inter-insurance exchanges, companies or associations, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Read and referred to Committee on Insurance.

By Senator Murphy (by request):

S. B. No. 377, A bill to be entitled "An Act defining common carrier pipe lines engaged, or to engage in the transportation of natural gas; providing against discrimination in favor of or against individuals, associations of persons, municipal cor-

porations or corporations in the conduct of their business, fixing penalties for the violation of this Act, making certain violations a criminal offense and fixing a penalty therefor; providing means for the recovery of such penalties as are not made criminal, either by the State of Texas or the party aggrieved; making this Act cumulative, providing that the invalidity of any part of this Act shall not invalidate the remaining parts hereof, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Murphy:

S. B. No. 378, A bill to be entitled "An Act defining common carrier pipe lines engaged, or to engage in the transportation of natural gas; declaring all corporations, persons, partnerships, or associations of persons, now engaged, or to hereafter engage in transporting natural gas from place to place in this State to be common carriers, declaring such common carriers to be public utilities and making them subject to the provisions of this Act; giving the Railroad Commission of Texas the power to regulate the rate of such transportation by such common carriers; granting them the right to establish, maintain and operate telegraph and telephone lines upon their rights of way in connection with their business, and to build and maintain their lines under and across or along streams, highways and streets as other common carriers within this State; and providing against discrimination in favor of or against individuals, associations of persons, municipal corporations, or corporations in the conduct of their business, requiring them to exchange tonnage with other common carriers, and to receive and transport natural gas tendered to them for transportation; empowering said Commission to make rules and regulations for their conduct, and to require the construction and maintenance by them of gathering lines and transfer and delivery stations, and the transfer and delivery of natural gas from such common carrier to another, and to fix the charges therefor, and giving said Commission plenary power to make rules and regulations for the control of such carrier, and power to enforce their

rules and regulations and the provisions of this Act; fixing penalties for violation of this Act, and the rules and orders of said Commission; making certain violations a criminal offense and fixing the penalty therefor; and providing means for the recovery of such penalties as are not made criminal, either by the State of Texas or the party aggrieved by such violation, naming the tribunal in which such recovery may be had; providing that this Act be administered by the Gas Utility Division of the Railroad Commission of the State of Texas in addition to other duties; making this Act cumulative, providing that the invalidity of any part of this Act shall not invalidate the remaining parts hereof, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Moore:

S. B. No. 379, A bill to be entitled "An Act making it a penal offense for any person, agent or employee of any firm or corporation to permit natural gas produced from any oil well to escape into the air, where there is a sufficient quantity of such gas so escaping to be burned, without burning the same, or properly taking care of it so as to prevent its escape into the air, shall be guilty of a criminal offense and upon conviction thereof shall be fined in any sum not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars, or by confinement in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment and provided that each separate day shall constitute a separate offense; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senators Moore, Small, Regan and Purl:

S. B. No. 380, A bill to be entitled "An Act declaring it to be mandatory upon the Legislature of the State of Texas under the Constitution to enact laws to compel the conservation and development of the natural resources of this State, declaring the oil and gas resources of this State to be natural resources thereof attributing largely to the public welfare and declaring the orderly transportation and marketing of oil and

gas to be an industry of great public importance; declaring the interest of the State of Texas in its oil and gas properties; declaring that present facilities for transportation and marketing of oil and gas do not provide for the orderly transportation and marketing thereof; and to preserve and promote the public interest and general welfare; creating the Texas State Oil and Gas Conservation and Marketing Association, a governmental agency and body corporate, with all general powers incident thereto, etc.; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Stone (by request):

S. B. No. 381, A bill to be entitled "An Act to create the office of State Electrical Inspector to be attached to the Bureau of Labor Statistics of the State of Texas; providing the method of appointment; prescribing his qualifications and duties; fixing his term of office; providing for appointment of assistants; prescribing their qualifications and duties; fixing salaries; providing for payment of salaries, expenses and maintenance of office through revenue collected from license fees and fines; providing penalties for violation of State Inspector's orders; providing for licensing of master electricians, journeymen electricians, and local electrical inspectors; providing for an examining body and prescribing duties; providing for examinations, forms of license to be issued, and privileges of each; prescribing payment of license fees, expiration and renewal of license; providing for exemptions; providing penalties; and declaring an emergency."

Read and referred to Committee on Labor.

By Senator Redditt:

S. B. No. 382, A bill to be entitled "An Act to amend Article 1321 R. C. S. 1925, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Beck:

S. B. No. 383, A bill to be entitled "An Act to amend Chapter 206, Section 20a of the General Laws of the Regular Session of the Forty-second Legislature; relating to changing the

budget by the Legislature or the county commissioners court; and declaring an emergency."

Read and referred to Committee on State Institutions and Departments.

By Senator Redditt:

S. B. No. 384, A bill to be entitled "An Act to permit the following persons, their heirs or assigns to sue the State of Texas, or join the State of Texas as a party defendant, in the following cases now pending in the district court of Polk County, Texas, styled J. W. Sessions vs. National Surety Company, et al, and C. B. Fairchild vs. National Surety Company, et al., providing said suit may be filed or the State of Texas may be joined party defendant in said cases, within two years from the effective date of this Act, and further providing that the State may be served by service upon the Attorney General of the State of Texas; providing that this Act is not intended to create a cause of action but is intended to create a remedy whereby such causes of action as may already exist in behalf of said persons may be established according to applicable rules and principles of law and equity; providing that said suits shall be tried and determined in the trial and appellate courts according to such rules of law and procedure as to liability and defenses as would be applicable if the suits were suits by and against citizens of the State of Texas; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Poage and Redditt:

S. B. No. 385, A bill to be entitled "An Act making it unlawful for employees of the State to submit claims and expense accounts in excess of certain amounts for certain services, providing that no claim or expense account shall be submitted by any employee except while actually and necessarily absent from his headquarters, home office or place of operations, and making it unlawful for the head of any department to approve such claim and expense accounts and for the Comptroller of Public Accounts to knowingly draw any warrants or for the State Treasurer of this State to knowingly pay warrants drawn for

such purposes, prescribing penalties, repealing all conflicting laws, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Russek:

S. B. No. 386, A bill to be entitled "An Act to amend the Revised Civil Statutes of the State of Texas of 1925 so as to amend Article 376 in order to provide for the incorporation of trust companies, and to add a new article to be known as Article 396-A providing that such trust companies shall have all the power set out in Article 396, except banking privileges, and declaring an emergency."

Read and referred to Committee on Banks and Banking.

By Senator Greer:

S. B. No. 387, A bill to be entitled "An Act for the organization of counties into county school units for school purposes; for the maintenance, administration, supervision, and control thereof; authorizing the State Board of Education to make rules and regulations pertaining thereto; for the repeal of all laws in conflict herewith; and, declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Pace:

S. B. No. 388, A bill to be entitled "An Act ordering and authorizing the Governor of the State of Texas and the Commissioner of the General Land Office of the State of Texas to convey and quitclaim to the trustees of the Troup Consolidated Independent School District in Smith and Cherokee Counties, Texas, and their successors in office for the use and benefit of said Troup Consolidated Independent School District the now abandoned site, lands and property of the Troup Experiment Station located partly in and partly contiguous to the city limits of the town of Troup in Smith County, Texas, the total consideration for said conveyance being to the State of Texas that said lands and property were heretofore deeded to the Governor of the State of Texas by the citizens without cost to the State for public use, which said public use has now ceased and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Russek, by request:

S. B. No. 389, A bill to be entitled "An Act to regulate the occupation of beauty culture and hair dressing; to provide for an addition of three female members to the Board of Barber Examiners, and giving the said Board power to license and regulate persons carrying on and teaching beauty culture and hair dressing, and to provide rules regulating the proper conduct and sanitation of beauty culture and hair dressing establishments and schools for the protection of public health, and to provide penalties for violators thereof. This Act shall be known as 'An Act Regulating the Occupation of Hairdressing and Beauty Culture'."

Read and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 390, A bill to be entitled "An Act providing for the creation of water supply districts pursuant to Sec. 59, Art. 16 of the Constitution; providing they shall be governmental agencies, free from taxation; prescribing the method of their creation, including petition, optional election, notice, a hearing and administrative finding; providing for the annexation of territory; defining the powers of such districts, including the power to contract; eminent domain; sue and be sued; employ all necessary employees; providing such districts shall have no power to tax or levy assessments; providing for the governing body, the election of directors, their qualifications, compensations, oath and bond and the organization of the board of directors; prescribing their powers to borrow money, issue bonds, etc., and pledge only the physical properties, rents and revenues to secure them; providing said districts shall be self liquidating in character; providing plans shall be submitted to Board of Water Engineers; providing that same shall not affect water rights or priorities; providing if any part of this Act shall be held unconstitutional it will not affect the remainder of the Act, and declaring an emergency."

Read and referred to Committee on Mining, Irrigation and Drainage.

By Senator Parr:

S. B. No. 391, A bill to be entitled "An Act permitting water improvement districts and water control and improvement districts to borrow from the Amortization and Emergency Fund within two years; to sell or hypothecate bonds and securities in which such funds are invested, for the purpose of operating such districts, such funds to be replaced within five years with 5% interest and declaring an emergency."

Read and referred to Committee on Mining, Irrigation and Drainage.

By Senator Regan:

S. B. No. 392, A bill to be entitled "An Act authorizing and empowering the State Highway Commission to exchange land or interests heretofore conveyed to the State of Texas either for right-of-way, or for the use of the people of Texas for camping accommodations and park purposes under the provisions of the Act known and published as Chapter 37 of the General and Special Laws of the First Called Session of the Fortieth Legislature, page 110, for other lands or interests therein adjacent to or accessible from the State highway referred to in said Act, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Hopkins:

S. B. No. 393, A bill to be entitled "An Act to amend Articles 3101, 3102, 3106, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3134, 3136, 3137, 3138, 3139, 3140, 3146 and 3152 of Title 50, Chapter 13 of the Revised Civil Statutes of Texas of 1925, relating to primary elections, and to repeal Articles 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, and 3099 of said Title 50, Chapter 12, of said Statutes, and all other laws and parts of laws in conflict therewith, and to declare an emergency."

Read and referred to Committee on Privileges and Elections.

By Senator Hopkins:

S. B. No. 394, A bill to be entitled "An Act to amend Article 838 of Chapter 8, Title 22, Revised Statutes

1925, requiring all counties, cities towns, school districts and improvement districts to file annual reports with the State Comptroller relating to their finances, debts, obligations, sinking funds, taxable values and other resources; adding to said Chapter four new articles to be known as Articles 838-a, 838-b, 838-c, and 838-d relating to the filing of such reports, the duty of the State Comptroller in respect thereto, defining the terms 'Finance Officer' and 'Public Corporation' or 'Quasi Public Corporation' as used in this Act; amending Articles 839, 840 and 841, relating to the disbursement of interest and sinking funds created to pay bond and warrant debts, prescribing penalty for failure to make the reports required in this Act, prescribing penalty for diversion of interest and sinking funds created to pay bond warrant debts; prescribing duties of Comptroller, Attorney General, and district or county attorneys in event reports are not filed, or interest and sinking funds are misapplied; adding to said chapter a new article to be known as Article 841-a requiring certified copy of the annual report of each public corporation or quasi public corporation named herein to be filed with each bond record whenever submitted to the Attorney General for approval by any such corporation; adding another new article to be known as Article 841-b authorizing charges or fees for copies of such reports; enacting provisions incident and necessary to the subject and purpose of this Act; repealing Chapter 279 of the General Laws of the Forty-second Legislature at its regular session in 1931; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 395, A bill to be entitled "An Act amending Article 3022, R. C. S. 1925; providing for unofficial but complete returns in addition to official returns as provided by law; defining further the duties of election officers, of the chairmen of the State, district and county executive committees of political parties, of the county clerks and of the Secretary of State; providing for their compensation for said additional duties; providing for the payment of expenses of unofficial returns; reg-

ulating the use of unofficial returns; amending Articles 3033 and 3034, R. C. S. 1925; amending Articles 3123, 3124 and 3125, R. C. S. 1925; amending Article 3127, R. C. S. 1925; amending Articles 3134 and 3135, R. C. S. 1925; providing penalties for violation of this Act and remedies for its enforcement; providing that if any section, paragraph or provision of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining portions or provisions hereof; and declaring an emergency."

Read and referred to Committee on Privileges and Elections.

By Senator Cousins:

S. B. No. 396, A bill to be entitled "An Act amending Chapter 333 of the Acts of the Regular Session of the 42nd Legislature validating all proceedings and acts of the commissioners courts of such counties in elections held for the purpose of authorizing bonds to erect an office building and/or jail; validating all bonds voted, authorized and/or issued, validating all tax levies made in behalf of such bond issuances, and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

By Senator Redditt:

S. B. No. 397, A bill to be entitled "An Act to amend Article 2326, Revised Civil Statutes 1925, and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senator Redditt:

S. B. No. 398, A bill to be entitled "An Act amending Section 11 of Article 8307 of the Revised Civil Statutes of Texas of 1925 so as to require the Association to notify the Industrial Accident Board when payment of compensation has been suspended, and providing a penalty for the intentional failure to give such notice; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Fellbaum:

S. B. No. 399, A bill to be entitled "An Act to amend Article 4629 of Chapter 4, Title 75, of the Revised Civil Statutes of 1925, relating to grounds for divorce so as to provide that except where the husband or

wife is insane, a divorce may be decreed where either party is guilty of excesses, cruel treatment or outrages toward the other, if such treatment is of a nature to render their further living together insupportable; in favor of the husband where his wife shall have been taken in adultery, or where she shall have voluntarily left his bed and board for a space of three years with the intention of abandonment, and in favor of the wife where the husband shall have left her for three years with the intention of abandonment, or where he shall have abandoned her and lived in adultery with another woman, and where a husband and wife shall have voluntarily lived apart without cohabitation for as long as ten years, and in favor of either the husband or wife when the other shall have been convicted after marriage of a felony and imprisoned in the State penitentiary and providing that no suit for divorce shall be sustained because of the conviction of either party for a felony until twelve months after final judgment or conviction nor then if the Governor shall have pardoned the convicted, provided the husband has not been convicted on the testimony of the wife nor the wife on the testimony of the husband; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Purl:

S. B. No. 400, A bill to be entitled "An Act empowering the Supreme Court to make and establish Rules of Procedure for the government of said Court and for the other courts of this State to expedite and dispatch the business therein; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Purl:

S. B. No. 401, A bill to be entitled "An Act to amend Article 4686 of the Revised Civil Statutes of 1925 by prohibiting individuals, not otherwise expressly permitted by statute, to engage in the business of insuring others against insurable losses, providing that the Board of Insurance

Commissioners shall be satisfied that any insurance carrier applying for a certificate of authority has in all respects complied with the laws of this State; providing that it shall be the duty of the Board of Insurance Commissioners to issue to such qualified carrier a certificate of authority under its seal, authorizing such carrier to transact an insurance business, naming the particular kinds of same, for a period of not more than twelve months, and such authority not to extend beyond the last day of February following the date of issuance of said certificate; defining the term 'carrier' and declaring an emergency."

Read and referred to Committee on Insurance.

By Senator Pace:

S. B. No. 402, A bill to be entitled "An Act amending Chapter 2, Acts of the Fourth Called Session of the Forty-second Legislature, and Acts of which it is amendatory, by adding sections 8a to 8g further regulating the production, storage, transportation, and other handling of crude, petroleum oil, and natural gas; prescribing generally other duties and powers of the Railroad Commission and other officers and persons named herein; providing the duties and rights of persons engaged in such business; prescribing offenses, fines, and penalties, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Purl:

S. B. No. 403, A bill to be entitled "An Act to amend Sections 6 and 7 of Article 5026 and Article 5029 of the Revised Civil Statutes of the State of Texas, 1925, by requiring reciprocal insurance carriers or inter-insurance exchanges before engaging in writing liability or workmen's compensation insurance to have not less than fifty separate risks having a total payroll covering not less than two thousand employees; providing that no workmen's compensation contracts shall be issued until a list of the subscribers with the number of employees of each together with such information as the Board of Insurance Commissioners may require shall have been filed with the Board nor until the Attorney-in-Fact shall

have certified under oath that every subscriber on the list so filed is genuine and made with an agreement with each subscriber that he will take the contract so subscribed for by him within thirty days of the granting of the license by the Board to the exchange to issue indemnity contracts, and providing that said reciprocal shall at the time of its organization have and maintain at all times thereafter cash and invested assets of not less than fifty thousand dollars, if it be a casualty insurance carrier, and not less than twenty thousand dollars if it shall be other than a casualty insurance carrier, and not less than seventy thousand dollars if it be both; providing in what securities its reserves shall be invested; and declaring an emergency."

Read and referred to Committee on Insurance.

By Senator Purl:

S. B. No. 404, A bill to be entitled "An Act to amend Article 4914, Revised Civil Statutes, 1925, by adding thereto the provision that no dividend shall be paid to any policyholder in any other state until same has been approved by the Board of Insurance Commissioners and same shall not be approved until such company, exchange or association has set up and maintained reserves adequate to meet anticipated losses, carry all claims to maturity and policies to termination upon workmen's compensation and employer's liability policies issued under the laws of Texas or any other state which reserves shall be computed in accordance with such uniform rules as shall be approved by the Board of Insurance Commissioners, substitution for the word 'Commission' the words 'Board of Insurance Commissioners'; and substitution for the word 'subscribers' the word 'policyholders'; so that such article, as amended, shall provide that nothing in this chapter shall be construed to prohibit the operation of any stock company, mutual company, reciprocal or inter-insurance exchange, or Lloyd's association; to prohibit any of the above named issuing participating policies, provided no dividend to policyholders in this or any other state under workmen's compensation or employer's liability law shall take effect or be paid until the

approval by the Board of Insurance Commissioners; and no such dividend shall be approved until such company, exchange or association has set up and maintained reserves adequate to meet anticipated losses, carry all claims to maturity and policies to termination upon all its workmen's compensation and employer's liability policies issued under the laws of Texas or any other state, which reserves shall be in accordance with such uniform rules as shall be approved by the Board of Insurance Commissioners, and declaring an emergency."

Read and referred to Committee on Insurance.

By Senator Purl:

S. B. No. 405, A bill to be entitled "An Act to amend Article 1650 of the Revised Civil Statutes of Texas, 1925; repealing all laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Purl:

S. B. No. 406, A bill to be entitled "An Act to amend Article 1641 of the Revised Civil Statutes of 1925, by adding thereto another article to be known as Article 1641-B, providing for the making of audits of counties by grand juries; providing generally the means and manner thereof; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senators Purl, Moore, DeBerry, Oneal, Woodul, Small, Duggan, Regan, Stone, Greer, Pace, Murphy, Blackert, Holbrook, Redditt, Hornsby, Poage, and Rawlings:

S. B. No. 407, A bill to be entitled "An Act to save the State the useless expense of assessing poll taxes; and requiring the payment of such poll taxes without assessment and regulating the time and manner of such payment, and amending Articles 3937 as amended and Article 7046 and 2959, Revised Civil Statutes, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Purl:

S. B. No. 408, A bill to be entitled "An Act creating a Board of Jury Supervisors in Dallas County, Texas;

defining the duties of the Board of Supervisors; providing method of selecting a jury commissioner; providing for compensation of jury commissioner and supplies; providing for oath of jury commissioner; providing method of selecting names for jury wheel; compilation of jury list and selection of jurors; providing the method of placing cards in jury wheel; providing for the organization and supervision over the juries; providing the method of drawing cards from the jury wheel; providing for the interchangeable use of jurors in various courts; providing for the certification of jury lists drawn; providing for delivery of jury lists; providing for additional use of cards; providing for service and return of panel and notices to be issued; providing for swearing in of jurors; providing for work under present law until this Act becomes effective; providing that this Act shall not be applicable in capital cases; providing the constitutionality of one section being held invalid will not affect the validity of any other section; and providing for repeal of all laws in conflict herewith.

Read and referred to Committee on Counties and County Boundaries.

By Senator Holbrook:

S. B. No. 409, A bill to be entitled "An Act repealing Articles 52-146, 52-147, 52-148, 52-149, 52-150, 52-151, 52-152, 52-153, 52-154, 52-155, and 52-156, of the Revised Civil Statutes of Texas, 1925, and Chapter 104 of the Local and Special Laws of Texas passed at the Regular Session of the Thirty-second Legislature, relating to and creating the 'County Court of Galveston County at Law'; transferring the jurisdiction of this court to the District Court of the Tenth Judicial District of Texas; and declaring an emergency."

Read and referred to Committee on Judicial Districts.

By Senator Holbrook:

S. B. No. 410, A bill to be entitled "An Act to amend Chapter 17, Title 49 of the Revised Civil Statutes of Texas, 1925, by adding to said Chapter 17 a new article to be known as Article 2879-a, providing that all fees received by the State Department of Education from ap-

plicants for State certificates shall be deposited in the State Treasury, to the credit of the General Revenue Fund, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Martin:

S. B. No. 411, A bill to be entitled "An Act to amend Chapter 1, Title 42 of the Revised Civil Statutes of Texas, by inserting just after Article 1993 a new article to be numbered 1993a."

Read and referred to Committee on Civil Jurisprudence.

By Senator Martin:

S. B. No. 412, A bill to be entitled "An Act amending Article 7076 of the Revised Civil Statutes of Texas, 1925; relating to the recovery of money and penalties due the State of Texas; providing for the venue in such suits; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Murphy:

S. B. No. 413, A bill to be entitled "An Act regulating and fixing the rights of parties to contracts or conveyances executed by persons at the time who are of unsound mind or otherwise incompetent, where no adjudication of incompetency has been made by a court of competent jurisdiction, and, also, where such adjudication has been made but no lawful guardian of the estate of such incompetent has been appointed; providing for the filing in the deed records of each county where such incompetent owns, or has any interest in or lien upon land, of a copy of the order of the adjudication; providing for the duty of the court and clerk with respect to the filing of such order, fixing the cost and fee therefor; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Poage:

S. J. R. No. 21, A joint resolution Proposing an amendment to Section 1 of Article 9 of the Constitution of the State of Texas.

Providing that the Legislature may by two-thirds vote create new counties and change the boundaries of existing counties; providing that

no county shall be created with less than an area of 900 square miles, nor shall any existing county be reduced to less than 900 square miles, unless such county shall contain a population of more than 50,000, according to the last United States census; providing for the submission of such amendment proclamation and publication thereof and making an appropriation of \$5,000.00, or so much as may be necessary to pay the expenses of such election.

Read and referred to Committee on Constitutional Amendments.

By Senator Fellbaum:

S. J. R. No. 22, A joint resolution Proposing an amendment to Sections 9, 15, 18, 20, 21 and 23 of Article V of the Constitution of the State of Texas so as to fix the term of office of the clerk of the district court, county judge, constable, justice of the peace, sheriff, county commissioner, county clerk, district attorney and county attorney at four years, providing that neither of said officers shall be eligible to succeed himself, providing for the election on such proposed constitutional amendment and making an appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

#### Senator Excused.

On motion of Senator Pace, Senator Beck was excused for the day on account of illness.

#### Report on Meeting of First Interstate Legislative Assembly.

Senator Oneal sent up a report on the meeting of the First Interstate Legislative Assembly and received unanimous consent for the report to be printed in the Journal.

(See Appendix of today's Journal.)

#### Senate Simple Resolution No. 61.

Senator Woodul sent up the following resolution:

Whereas, On March 4, 1933, our own native son, the Honorable John Nance Garner of Uvalde, Texas, will be inaugurated as Vice President of these United States; and,

Whereas, The said John Nance Garner has not only reflected honor upon his name but upon his native

State as well; now, therefore, be it

Resolved by the Senate of Texas That we wire the said John Nance Garner and his beloved wife, Mrs. E. R. Garner, our congratulations and wish for them each a long and happy life; be it further

Resolved That the Secretary of the Senate be instructed to wire a copy of these resolutions to the said Mr. and Mrs. Garner.

WOODUL,	ONEAL,
DeBERRY,	PACE,
BECK,	PARR,
BLACKERT,	PATTON,
COLLIE,	POAGE,
COUSINS,	PURL,
DUGGAN,	RAWLINGS,
FELLBAUM,	REDDITT,
GREER,	REGAN,
HOLBROOK,	RUSSEK,
HOPKINS,	SANDERFORD,
HORNSBY,	SMALL,
MARTIN,	STONE,
MOORE,	WOODRUFF,
MURPHY,	WOODWARD,
NEAL,	

LIEUT. GOV. WITT.

Read and adopted unanimously.

#### Senate Bill No. 356.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Woodward:

S. B. No. 356, A bill to be entitled "An Act to amend Article 824, Code of Criminal Procedure of the State of Texas so as to provide that when a penalty of death or life imprisonment has been assessed, and a defendant escapes pending appeal, the Court of Criminal Appeals may reinstate the appeal under certain conditions; providing that this Act shall take immediate effect and govern cases now pending and not finally disposed of in said Court, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 356 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Read third time and finally passed by the following vote:

Yeas—24.

Blackert.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—4.

Collie.	Oneal.
DeBerry.	Regan.

Absent—Excused.

Beck.	Neal.
Cousins.	

#### House Bill No. 168.

The Chair laid before the Senate as pending business the following bill:

By Mr. Harman:

H. B. No. 168, A bill to be entitled "An Act making appropriations to pay salaries to judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1933, and ending August 31, 1935; and declaring an emergency."

The question recurred upon the pending amendment (by Senator Small).

The amendment was lost by the following vote:

Yeas—11.

Hopkins.	Redditt.
Pace.	Russek.
Parr.	Small.
Patton.	Woodul.
Purl.	Woodward.
Rawlings.	

Nays—15.

Blackert.	Moore.
Collie.	Murphy.
DeBerry.	Oneal.
Duggan.	Poage.
Fellbaum.	Regan.
Greer.	Sanderford.
Holbrook.	Woodruff.
Hornsby.	

Absent—Excused,

Neal.

(Pairs Recorded.)

Senator Martin (present) who would vote yea, with Senator Beck (absent) who would vote nay.

Senator Stone (present) who would vote nay, with Senator Cousins (absent) who would vote yea.

Senator Purl sent up the following amendment:

Amend Substitute for H. B. 168, by striking out line

59 (8)	Page 1	100.00	100.00
13 (7)	Page 3	100.00	100.00
30 (8)	Page 4	100.00	100.00

PURL.

The amendment was read and adopted.

Senator Small sent up the following amendment:

Amend H. B. 168 as amended by inserting \$21,000 in lieu of \$18,000 on line 37, Page 4.

SMALL.

The amendment was read.

Senator Moore moved the previous question on the pending amendment. The motion failed to receive the proper seconding.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—15.

Blackert.	Duggan.
Collie.	Fellbaum.
DeBerry.	Greer.

Holbrook.
Hornsby.
Moore.
Murphy.
Oneal.

Poage.
Regan.
Sanderford.
Woodruff.

Nays—11.

Hopkins.	Redditt.
Pace.	Russek.
Parr.	Small.
Patton.	Woodul.
Purl.	Woodward.
Rawlings.	

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Martin (present) who would vote nay, with Senator Beck (absent) who would vote yea.

Senator Stone (present) who would vote yea, with Senator Cousins (absent) who would vote nay.

Senator Martin sent up the following amendment:

Amend H. B. 168 as amended by striking out of line 37, page 4, S. B. 97 the figures 18,000, as they appear in each column and substituting therefor the figures 19,500 in each place.

MARTIN.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion was lost by the following vote:

Yeas—13.

Blackert.	Moore.
Collie.	Murphy.
DeBerry.	Oneal.
Duggan.	Poage.
Greer.	Sanderford.
Holbrook.	Woodruff.
Hornsby.	

Nays—13.

Fellbaum.	Redditt.
Hopkins.	Russek.
Pace.	Small.
Parr.	Stone.
Patton.	Woodul.
Purl.	Woodward.
Rawlings.	

Absent—Excused.

Neal.

## (Pairs Recorded.)

Senator Martin (present) who would vote nay, with Senator Beck (absent) who would vote yea.

Senator Regan (present) who would vote yea, with Senator Cousins (absent) who would vote nay.

The amendment was adopted by the following vote:

## Yeas—12.

Fellbaum.	Redditt.
Hopkins.	Russek.
Pace.	Small.
Patton.	Stone.
Purl.	Woodul.
Rawlings.	Woodward.

## Nays—12.

Blackert.	Moore.
Collie.	Murphy.
DeBerry.	Oneal.
Greer.	Poage.
Holbrook.	Sanderford.
Hornsby.	Woodruff.

## Absent—Excused.

Neal.

## (Pairs Recorded.)

Senator Duggan (present) who would vote nay, with Senator Parr (absent) who would vote yea.

Senator Martin (present) who would vote yea with Senator Beck (absent) who would vote nay.

Senator Regan (present) who would vote nay, with Senator Cousins (absent) who would vote yea.

The Chair voted "Yea."

## Motion to Concur.

Senator Regan moved to concur in the House amendments to S. B. No. 153. The motion prevailed by the following vote:

## Yeas—27.

Blackert.	Murphy.
Collie.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.

Russek.  
Sanderford.  
Small.  
Stone.

Woodruff.  
Woodul.  
Woodward.

## Present—Not Voting.

DeBerry.

## Absent—Excused.

Beck.  
Cousins.

Neal.

## Message From the House.

Hall of the House of Representatives,  
Austin, Texas, March 2, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 247, A bill to be entitled "An Act defining certain words, terms, and phrases for the purposes of this Act, providing and imposing an occupation tax on the first sale, distribution or use of motor fuel in this State; providing certain exceptions, exemptions, and deductions from the tax hereby levied; providing for refunds of taxes paid in certain instances and under certain conditions, requiring distributors of motor fuel to obtain a permit and to file with the Comptroller of Public Accounts a surety bond or in lieu of bond to deposit in a suspense account in the State Treasury an amount of money equal to the amount of bonds required; providing that any manufacturer or refiner may transfer the tax imposed upon the sale of casinghead or natural gasoline to any distributor holding a permit as required by this Act upon certain conditions; regulating the issuance of such permits and providing for and regulating the suspension and revocation of permits issued; providing for and requiring distributors of motor fuel to file new or additional bonds in certain instances; etc., and declaring an emergency."

S. B. No. 82, A bill to be entitled "An Act amending Article 348 of the Code of Criminal Procedure, relating to summoning a grand jury; and declaring an emergency."

S. B. No. 146, A bill to be entitled "An Act to validate the organization

and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts, whether created by general or special law, or county boards of trustees, validating the acts of said county boards of trustees and boards of such districts; validating all proceedings and acts of said board of trustees, heretofore taken by such boards of trustees; validating all bonds voted, authorized and/or sold and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; making certain exceptions; and declaring an emergency."

(With amendments.)

S. B. No. 153, A bill to be entitled "An Act to amend Article 2547, Revised Civil Statutes of Texas, as amended by the Forty-first Legislature, at the Regular Session; and declaring an emergency."

(With amendments.)

S. B. No. 184, A bill to be entitled "An Act to amend Article 1316, Chapter 1, Title 17, of the Penal Code of 1925, providing for the offense of an attempt to commit arson and defining the same, making it unlawful, etc., and declaring an emergency."

(With amendments.)

H. C. R. No. 21, Increasing facilities of Highway Patrol in its inspection of motor vehicles on the public highways.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bills Referred.

H. B. 247 referred to Committee on State Affairs.

H. C. R. No. 21, referred to Committee on State Highways and Motor Traffic.

#### Pages Excused.

On motion of Senator Woodul, the pages were excused for the afternoon in view of the fact that this was Texas Independence Day.

#### Chairman of Committee of the Whole Appointed.

The Chair announced the appointment of Senator Oneal as chairman of the Committee of the Whole convening this afternoon at 2 o'clock.

#### Recess.

On motion of Senator Greer, the Senate, at 12:33 o'clock p. m., recessed until 3 o'clock p. m.

#### After Recess.

The Senate met at 3 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar Witt.

#### At Ease.

On motion of Senator Woodruff the Senate stood at ease until 4 o'clock p. m. in order to continue the hearing by the Committee of the Whole.

#### House Bill No. 168.

The question recurred upon H. B. No. 168.

Senator Small sent up the following amendment:

Amend H. B. No. 168 as amended by striking out the figures \$31,500 in line 63, page 4, and adding in lieu thereof, \$36,000.

SMALL.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—16.

Blackert.	Murphy.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Sanderford.
Holbrook.	Stone.
Hornsby.	Woodruff.

Nays—11.

Hopkins.	Rawlings.
Moore.	Russek.
Pace.	Small.
Parr.	Woodul.
Patton.	Woodward.
Purl.	

Absent—Excused.

Cousins.	Neal.
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(Pair Recorded.)

Senator Martin (present) who would vote nay, with Senator Beck (absent) who would vote yea.

Senator Martin sent up the following amendment:

Amend H. B. No. 168 as amended by striking out of line 63, page 4, S. B. 97, the figures \$31,500.00 in each place as it occurs and substituting therefor the figures \$33,300.00 in each place.

MARTIN.

The amendment was read.

Senator Holbrook moved to table the amendment.

The motion prevailed by the following vote:

Yeas—15.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Redditt.
Duggan.	Regan.
Greer.	Sanderford.
Holbrook.	Stone.
Hornsby.	Woodruff.
Murphy.	

Nays—12.

Fellbaum.	Purl.
Hopkins.	Rawlings.
Moore.	Russek.
Pace.	Small.
Parr.	Woodul.
Patton.	Woodward.

Absent—Excused.

Cousins. Neal.

(Pair Recorded.)

Senator Martin (present) who would vote nay, with Senator Beck (absent) who would vote yea.

Senator Small sent up the following amendment:

Amend H. B. No. 168 as amended by striking out \$3,000 in line 14, page 5, and insert in lieu thereof the figures \$3,600.

SMALL.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—16.

Blackert.	DeBerry.
Collie.	Duggan.

Fellbaum.  
Greer.  
Holbrook.  
Hornsby.  
Moore.  
Murphy.

Oneal.  
Poage.  
Purl.  
Redditt.  
Stone.  
Woodruff.

Nays—9.

Hopkins.  
Pace.  
Parr.  
Patton.  
Rawlings.

Russek.  
Small.  
Woodul.  
Woodward.

Absent.

Sanderford.

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Martin (present) who would vote nay, with Senator Beck (absent) who would vote yea.

Senator Regan (present) who would vote yea, with Senator Cousins (absent) who would vote nay.

Senator Martin sent up the following amendment:

Amend H. B. No. 168 as amended, by striking out of line 16, page 5, S. B. No. 97, the figures \$3,000.00 as it appears in each place and substituting therefor the figures \$4,000.00 in each place.

MARTIN.

The amendment was read.

Senator Holbrook moved to table the amendment.

The motion prevailed by the following vote:

Yeas—16.

Blackert.  
Collie.  
DeBerry.  
Duggan.  
Fellbaum.  
Greer.  
Holbrook.  
Moore.

Murphy.  
Oneal.  
Poage.  
Purl.  
Redditt.  
Sanderford.  
Stone.  
Woodruff.

Nays—9.

Hornsby.  
Pace.  
Parr.  
Patton.  
Rawlings.

Russek.  
Small.  
Woodul.  
Woodward.

Absent.

Hopkins.

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Martin (present) who would vote nay, with Senator Beck (absent) who would vote yea.

Senator Regan (present) who would vote yea, with Senator Cousins (absent) who would vote nay.

Senator Purl moved the previous question on the further consideration of the bill. The motion prevailed.

Senator Collie received unanimous consent to send up the following amendment:

Amend H. B. 168 as amended by striking out the figures 4125.00-4125.00 in line 64, page 5, and inserting in lieu thereof the figures 3100.00-3100.00.

COLLIE.

Read and adopted.

Senator Small received unanimous consent to send up the following amendment:

Amend amendment to H. B. No. 168 by adding after item 4, line 49, by adding the following: "5. Law Books \$100.00."

SMALL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 168 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Absent.

Hopkins.

Absent—Excused.

Beck. Neal.

Cousins.

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Absent.

Hopkins.

Absent—Excused.

Cousins. Neal.

(Pair Recorded.)

Senator Martin (present) who would vote nay, with Senator Beck (absent) who would vote yea.

Motion to Increase Committee.

Senator Woodul sent up the following written motion:

"I move that Senators Blackert, Stone, Sanderford, Poage and Greer be added to the Committee on State Affairs."

WOODUL.

The motion was read.

Senator Purl moved to refer the motion to the Committee on Rules. The motion prevailed.

Gavel Presented.

Senator DeBerry presented to Lieutenant Governor Edgar Witt a miniature gavel on behalf of Mr. B. F. Clark of Cooper, Texas.

The Chair expressed his appreciation of the gavel and wielded it five times to correspond to the five points of the Lone Star of Texas.

**Motion Concerning Adjournment.**

On motion of Senator Hornsby, the Senate voted that when the Senate adjourned today it would do so in recognition of the fact that today is Texas Independence Day.

**Adjournment.**

On motion of Senator Murphy, the Senate, at 5:41 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

**APPENDIX.****Petitions and Memorials.**

Mr. Bob Barker,  
Secretary of the Senate,  
Austin, Texas.

Dear Mr. Barker: This will acknowledge and thank you for your sincere evidence of love and friendship for Mayor Cermak.

His condition continues to be quite serious but as he has fought and won all the battles encountered during his lifetime—so we are sure he is going to win this one.

Sincerely yours,  
CLARA D. BEESLEY,  
Secretary to Mayor.

**Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, March 2, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 356 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, March 1, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 163, Relative to salaries of county superintendents and assistants.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

HOLBROOK, Chairman.

**Committee Amendment No. 2.**

Amend S. B. No. 163 by striking out the salary schedule, as shown in Section 1 thereof, and inserting, in lieu thereof, the following:

Population	Salary
3,000 or less	\$1,600.00
3,001 to 4,000	1,800.00
4,001 to 5,000	1,805.00
5,001 to 6,000	1,900.00
6,001 to 7,000	2,090.00
7,001 to 8,000	2,280.00
8,001 to 9,000	2,375.00
9,001 to 10,000	2,470.00
10,001 or more	2,660.00

Committee Room,  
Austin, Texas, March 1, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 217, Relative to certain deficiency claims.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, March 1, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 25, Relative to past due rents on armories.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, March 2, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 39, A bill to be entitled "An Act defining primary and secondary highways; designating highways so defined, directing the State Highway Commission to complete construction of said designated highways in their order; limiting the designation of primary and secondary highways; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

RAWLINGS, Chairman.

Committee Amendment.

Amend S. B. No. 39 by adding a new paragraph after Section 2, which shall read as follows:

"Provided, that where application has been made and the records of such application are on file with the Commission and whether or not such designation has actually or tentatively been made, the Commission is empowered to designate such as a Class 'A' Secondary Highway as defined in paragraph 3 of Section 1 of this Act."

Committee Room,

Austin, Texas, March 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 237, A bill to be entitled "An Act prohibiting any owner or person having control of horses, mules, donkeys, cows, bulls, steers, hogs, sheep, goats, or any other livestock from permitting or allowing the same to traverse or roam at large upon any designated State highway of this State unattended, providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, March 2, 1933.

Hon. Edgar E. Witt, President of the Senate:

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. C. R. No. 23, Proposing to give permission to O. P. Bateman to bring suit against the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, March 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. C. R. No. 22, Proposing to give permission to S. E. Harris to bring suit against the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, March 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. C. R. No. 21, Proposing to give permission to G. B. White and B. White to bring suit against the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, March 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. C. R. No. 19, Proposing to give permission to Mrs. Ruth Shannon to bring suit against the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, March 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 5, Proposing to give permission to J. D. Davis to bring suit against the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, March 2, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 314, A bill to be entitled "An Act to prohibit the hunting, taking, shooting or killing of any game bird or any game animal, as defined in the laws of the State of Texas, in that part of Wichita County included within the following territory, to-wit: etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, March 2, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. J. R. No. 3, Proposing "An amendment to Article IX of the Constitution of the State of Texas by adopting a new section to be known as Section 3, and which shall provide that any county having a population of more than 60,000 may adopt a County Home Rule Charter with certain powers and specific limitations, to proceed thereunder if authorized by two-thirds vote of the Legislature; requiring publication of notice of intent; requiring adoption by favoring vote of the qualified electors of such county and providing the manner of adoption; forbidding infringement upon any State laws; providing for the selection of a governing body for such adopting county and giving the powers, duties and term of office thereof; providing that judges of such county courts may be compensated by salary in lieu of fees; making certain county offices elective or appointive; providing for the manner of levying taxes and for the manner of retiring obligations; empowering the governing body to prescribe fee schedules; transferring governmental and proprietary functions to administrative body of such counties; providing for the manner or merging city governments under Home Rule Charter and providing that such charters may provide for the defining areas; pro-

viding for the submission of a constitutional amendment covering this Act according to the Constitution; directing the issuance of the proclamation therefor, and making appropriation to defray the expense of said proclamation and election."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that committee substitute do pass in lieu thereof.

WOODWARD, Chairman.

Committee Substitute.

By Senator Rawlings:

S. J. R. No. 3, Proposing an amendment to Article IX of the Constitution of the State of Texas by adopting a new section to be known as Section 3, and which shall provide that any county having a population of more than 60,000 may adopt a County Home Rule Charter with certain powers and specific limitations, to proceed thereunder if authorized by two-thirds vote of the Legislature; requiring publication of notice of intent; requiring adoption by favoring vote of the qualified electors of such county and providing the manner of adoption; forbidding infringement upon any State laws; providing for the selection of a governing body for such adopting county and giving the powers, duties and terms of office thereof; providing that judges of such county courts may be compensated by salary in lieu of fees; making certain county offices elective or appointive; providing for the manner of levying taxes and for the manner of retiring obligations; empowering the governing body to prescribe fee schedules; transferring governmental and proprietary functions to administrative body of such counties; providing for the manner of merging city governments under Home Rule Charter and providing that such charters may provide for the defining of areas; providing for the submission of a constitutional amendment covering this Act according to the Constitution; directing the issuance of the proclamation therefor, and making appropriation to defray the expense of said proclamation and election. Be it Resolved by the Legislature of the State of Texas:

Section 1. That Article IX of the Constitution of Texas be amended by adding thereto a Section to be Section 3, which shall provide:

Sec. 3. (1) Holding the belief that the highest degree of local self government which is consistent with the efficient conduct of those affairs by necessity lodged in the Nation and the State, will prove most responsive to the will of the people, and result to reward their diligence and intelligence by greater economy and efficiency in their local governmental affairs, it hereby is ordained:

(2) Any county having more than 60,000 population, according to that Federal census which may be most recent to the time the provisions hereof may be invoked, may adopt a County Home Rule Charter, to embrace those powers appropriate hereto, within the specific limitations hereinafter provided. It further is provided that the Legislature, by a favoring vote of two-thirds of the total membership of both the Senate and the House, may authorize any county, having a population less than that above specified, to proceed hereunder for the adoption of a charter: However, as a condition for such authorization, it is required that notice of the intent to seek legislative authority hereunder must be published in one or more newspapers, to give general circulation in the county affected, not less than once per week for four consecutive weeks, and the first of such publications shall appear not less than thirty days next prior to the time an act making proposal hereunder may be introduced in the Legislature. No County Home Rule charter may be adopted by any county save upon a favoring vote of the resident qualified electors of the affected county. In elections submitting to the voters a proposal to adopt a charter (unless otherwise provided by a two-thirds vote of the total membership of each house of the Legislature), the votes cast by the qualified electors residing within the limits of all the incorporated cities and towns of the county shall be separately kept but collectively counted; the votes of the qualified electors of the county who do not reside within the limits of any incorporated city or town, likewise shall be separately kept and counted, and unless there be a favoring majority of the votes cast both within and

without such collective cities and towns, the charter shall not be adopted. It expressly is forbidden that any such charter may inconsonantly affect the operation of the general laws of the State relating to the judicial, tax, fiscal, educational, police, highway and health systems, or any other department, of the State's superior government: Nothing herein contained shall be deemed to authorize the adoption of a charter provision inimical to or inconsistent with the sovereignty and established public policies of this State, and no provision having such vice shall have validity as against the State. No charter provision may operate to impair the exemption of homesteads as established by this Constitution and the statutes relating thereto.

(3) a. A charter hereunder may provide: the continuance of a county commissioners court, as now constituted, to serve as the governing body of a county to operate hereunder; or, may provide for a governing body otherwise constituted, which shall be elective, and service therein shall be upon such qualifications, for such terms, under such plan of representation, and upon such conditions of tenure and compensation as may be fixed by any such charter. The terms for service in such governing body may exceed two years but shall not exceed six years. In any event, in addition to the powers and duties provided by any such charter, such governing body shall exercise all powers, and discharge all duties which, in the absence of the provisions hereof, would devolve by law on county commissioners and county commissioners courts. Further, any such charter may provide for the organization, establishment and administration of the government, including the control and regulation of the performance of, and the compensation for, all duties required in the conduct of the county affairs, excepting herefrom only those duties and offices as to which specific conditions hereinafter are provided.

b. A charter hereunder may provide that judges of county courts (including that county court designated in this Constitution), and justices of the peace be compensated upon a salary basis in lieu of fees:

The jurisdiction of the county court designated in this Constitution, and the duties of the judge thereof, may be confined to that general jurisdiction of a probate court which elsewhere is defined in this Constitution: The office of justice of the peace may be made either elective or appointive; or, justice courts may be abolished and their jurisdiction conferred on county courts sitting as courts of law: Other than as herein provided, no such charter shall provide for altering the jurisdiction, or procedure, of any court: The duties of district attorney, and, or, county attorney, may be confined to representing the State in civil cases to which the State is a party and to enforcement of the State's Penal Code, and the compensation of said attorneys may be fixed on a salary basis in lieu of fees.

c. Save as hereinbefore and hereinafter otherwise provided, such charters, within the limits expressed therein, may invest the governing body to be established for any county electing to operate hereunder, the power to create, consolidate or abolish any office or department, whether created by other provisions of the Constitution or by statute, define the duties thereof, fix the compensation for service therein, make the same elective or appointive, and prescribe the time, qualifications and conditions for tenure in any such office; save that, no such charter, other than hereinbefore is authorized, shall provide to regulate the status, service, duties or compensation of members of the Legislature, judges of the courts, district attorneys, county attorney or any office whatever by the law of the State required to be filled by an election embracing more than one county. Excepting herefrom nominations, elections or appointments to offices, the terms whereof may not have expired prior to the adoption of this amendment to the Constitution, at such time as a charter provision adopted hereunder may be in effect (save as to those offices which must continue to be elective, as herein elsewhere specified), all terms of county officers and all contracts for the giving of service by deputies under such officers, may be subject to termination by the administrative body of the county, under an adopted char-

ter so providing, and there shall be no liability by reason thereof.

d. Any county electing to operate hereunder shall have the power, by charter provision, to specify county governmental purposes for which taxes (other than taxes to retire authorized bonded indebtedness) may be levied, to fix the maximum rate for ad valorem taxes to be levied for each specific purpose, and to levy, assess and collect such taxes; provided, however, that the limit of the aggregate taxes which may be established hereunder shall not exceed the limit, or total, fixed, or hereafter to be fixed, by this Constitution to control counties.

e. In addition to the powers hereby provided, such charters may provide, and counties operating hereunder may exercise, all other powers, functions, duties and rights which now are, or hereafter may be, provided by this Constitution and the statutes of the State for counties.

(4) Any county operating hereunder shall have power to borrow money for all purposes lawful under its charter, to include the refunding of a lawful debt, in a manner conforming to the general laws of the State and may issue therefor its obligations. Such obligations, other than those to refund a lawful debt, shall not be valid unless authorized by a majority of all votes cast by those resident qualified voters of the area affected by the taxes required to retire such obligations, who may vote thereon. In case of county obligations maturing after a period of five years, the same shall be issued to mature serially, fixing the first maturity of principal at a time not to exceed three years next after the date of the issuance of such obligations. Such obligations may pledge the full faith and credit of the county; but, in no event, shall the aggregate obligations so issued, in principal amount outstanding at any one time, exceed twenty-five per centum of the assessed value of the real property within the county (including homesteads, of whatever value), upon which such indebtedness and its supporting tax will constitute a lien. No obligation issued hereunder shall be valid unless prior to the time of the issuance thereof, there be levied a tax sufficient to retire the same as it may mature, which tax (either by a county operating

hereunder, or by a home rule city embraced therein, having charter provision so authorizing) may be without limit as to rate or amount, within the limits in this subdivision specified, the incurring of debt, the issuance of obligations to evidence the same and the payment thereof, shall be controlled by the charter.

(5) Such charters may authorize the governing body of a county operating hereunder to prescribe the schedule of fees to be charged by the officers of the county for specified services, to be in lieu of the schedule for such fees prescribed by the general laws of the State; and, to appropriate such fees to such funds as the charter may prescribe; provided, however, no fee for a specified service shall exceed in amount the fee fixed by general law for that same service. Such charters as to all judicial officers, other than district judges, may prescribe the qualifications for service, provided the standards therefor be not lower than those fixed by the general laws of the State.

(6) a. Subject to the express limitations upon the exercise of the powers by this subdivision to be authorized, such charters may provide (or omit to provide), that the governmental and, or, proprietary functions of any city, town, district or other defined political subdivision (which is a governmental agency and embraced within the boundaries of the county) be transferred, either as to some or all of the functions thereof, and yielded to the control of the administrative body of the county. No such transfer or yielding of functions may be effected, unless the proposal is submitted to a vote of the people; and unless otherwise provided by a two-thirds vote of the total membership of each house of the Legislature, such a proposal shall be submitted as a separate issue, and the vote within and without any such city, town, district, or other defined governmental entity, shall be separately cast and counted, and unless two-thirds of the qualified votes cast within the affected defined governmental agency, and a majority of the qualified votes cast in the remainder of the county, favor the proposed merger, it shall not be effected. In case of the mergers hereby authorized, without express charter

provision therefor, insofar as may be required to make effective the object of the proposed merger, the county shall succeed to all the appropriate lawful power, duties, rights, procedures, restrictions and limitations which prior to the merger were reposed in, or imposed upon, the yielding governmental agency, to the same effect as though no such merger had been effected: Particularly, it is provided that, the power to create indebtedness and to levy taxes in support thereof, may be exercised only by such procedure, and within such limits, as now are, or hereafter may be, provided by law to control such appropriate other governmental agencies were they to be independently administered. Such mergers may be effected under proposed contracts between the county and any such yielding governmental agency, to be approved at an election as hereinbefore provided for.

b. In case of the partial or complete merger of the government of a city operating under a home rule charter, with the government of a county operating hereunder, those city charter provisions affected thereby shall cease to have effect and the county charter provisions shall control.

c. No such merger shall result to place upon the people of the county residing outside a yielding defined governmental agency any greater burden of taxation or governmental cost than would prevail in the absence of a merger.

d. When any embraced incorporated city or town elects to merge its governmental functions with those of the county, under the provisions hereof, such charter may provide for defining, or re-defining, the boundaries of such cities or towns, and as to such cities or towns, and for the benefit of thereof, the county in addition to the primary state and county tax herein authorized, and any other lawful district tax, may levy and collect taxes upon the property taxable within such urban areas, within the limits authorized by Sections 4 and 5 of Article XI of this Constitution (or any amendment thereof) for incorporated cities according to population; provided, that no tax greater than that existing at the time of such merger, or for any added purpose, shall be imposed upon any

such city or town, unless authorized by a majority of all votes cast by the resident qualified voters of the area affected by such tax.

e. Areas urban in character, though not incorporated, under appropriate charter provision, may be defined as such by the governing body of the county in order to procure improvements, facilities and services, fitting for their needs, which may be provided and administered by the county, in which event such defined urban area shall be subject to additional taxation within the same constitutional limits as control taxation for a city or town of like population.

f. Any such charter may authorize the making and enforcement of specific assessments of benefits within the county as a whole, or in any area defined by the governing body of the county, to provide for local physical improvements within such county as a whole or any such defined area, as the case may be (which special assessments shall not be construed to be a tax); and such assessments of specific benefits may be impounded by the county, whereupon the county may issue its obligations pledging that faith and credit which may be based on such impounded assessments: Any home rule city embraced within a county operating hereunder, by appropriate charter provision, shall be authorized to avail itself of this provision.

g. In case a charter adopted hereunder does not make provision for special assessments and zoning within cities and towns, which may be administered by the county under such charter, then the general laws of the State with respect thereto shall be applicable, and special assessments for local improvements, and zoning regulations, within any such city or town may be made and enforced thereunder.

h. In order to reduce the necessity for the creation of districts and the attendant expense and confusion of their separate administrations, it is provided that such charters may provide for defining areas wholly rural, or partly urban and partly rural, in order to provide improvements, facilities or services peculiar to the needs of the area. The purposes to be so accomplished must be such as are authorized by the laws of the State as being proper to be accomplished by some manner of defined district or

other like governmental agency. Such areas shall be separate bonding, and, or, taxing units, within which the county may levy and collect taxes in addition to State, county and other lawful district taxes. Such taxes must be for purposes and within the limits prescribed by general law to control that district which would have powers appropriate to accomplish the objects sought to be attained. Such areas may be defined, subjected to taxation, and, or, placed under obligation to procure money for improvements only after substantial compliance with procedures such as are provided in that district law which is found to be related to the objects sought to be accomplished by defining the proposed area. Otherwise, a charter adopted hereunder may make provision lawfully to effect the object hereof: Such provision may be by reference to and adoption of an appropriate district statute, or the charter may make other provision therefor, having due regard for the constitutional safeguards of persons and property.

(7) No provision of this Constitutional inconsonant with the provisions of this Section 3 of Article IX shall be held to control the provisions of a charter adopted hereunder, and conforming herewith. Charters adopted hereunder shall make appropriate provision for the abandonment, revocation and amendment thereof, subject only to the requirements that there must be a favoring majority of the vote cast upon such a proposal, by the qualified, resident electors of the county; and no charter may forbid amendments thereof for a time greater than two years. The provisions hereof shall be self-executing, subject only to the duty of the Legislature to pass all laws (consistent herewith) which may be necessary to carry out the intent and purpose hereof. Further, the Legislature shall prescribe a procedure for submitting to decision by a majority vote of the electors voting thereon, proposed alternate and elective charter provisions.

Sec. 2. The foregoing Constitutional Amendment shall be submitted to the qualified electors of the State at an election to be held throughout the State on the first Tuesday after the first Monday in November, 1934, at which all ballots shall have printed thereon the following:

"For the amendment to Article IX of the Constitution of Texas, adding Section 3, providing authority for the adoption of a Home Rule Charter by the voters in counties to effect more efficient and economical government within such counties, and to authorize such mergers of separate governmental agencies and entities within such counties as may from time to time be authorized by a vote of the people therein.

"Against the amendment to Article IX of the Constitution of Texas, adding Section 3, providing authority for the adoption of a Home Rule Charter by the voters in counties to effect more efficient and economical government within such counties, and to authorize such mergers of separate governmental agencies and entities within such counties as may from time to time be authorized by a vote of the people therein."

Each voter shall scratch out one of the above listed clauses on the ballot, leaving the one expressing his vote on a proposed amendment to which it relates.

Sec. 3. The Governor of the State is hereby directed to issue the necessary proclamation, ordering an election to determine whether or not the proposed constitutional amendment set forth herein shall be adopted, and to have the same published as required by the Constitution and laws of this State, and the sum of five thousand (\$5,000.00) dollars or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated to defray the expenses of printing said proclamation and holding said election.

Committee Room,  
Austin, Texas, March 2, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 259, A bill to be entitled "An act authorizing the governing board of the Agricultural and Mechanical College of Texas, including the State Agricultural Experiment Station System and the Rodent Control Service, North Texas Agricultural College, John Tarleton Agri-

cultural College, Prairie View State Normal and Industrial College, University of Texas including all branches of the University and the College of Mines and Metallurgy at El Paso, College of Industrial Arts, Texas College of Arts and Industries, Texas Technological College, East Texas State Teachers College at Commerce, North Texas State Teachers College at Denton, Sam Houston State Teachers College at Huntsville, Stephen F. Austin State Teachers College at Nacogdoches, Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine, and the West Texas State Teachers College at Canyon to retain control of fees and other local institutional income collected at said schools, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass and be not printed, but that the committee substitute bill do pass in lieu thereof, and be printed.

GREER, Vice-Chairman.

C. S. for S. B. No. 259.

A BILL

To Be Entitled

An Act authorizing the governing boards of the Agricultural and Mechanical College of Texas including the State Agricultural Experiment Station System, and the Extension Service and Rodent Control Service and the Texas Forest Service, North Texas Agricultural College, John Tarleton Agricultural College, Prairie View State Normal and Industrial College, University of Texas including all branches of the University and the College of Mines and Metallurgy at El Paso, College of Industrial Arts, Texas College of Arts and Industries, Texas Technological College, East Texas State Teachers College at Commerce, North Texas State Teachers College at Denton, Sam Houston State Teachers College at Huntsville, Stephen F. Austin State Teachers College at Nacogdoches, Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine, and the West Texas State Teachers College at Canyon to retain control of fees and other local institutional income

collected at said schools; defining such fees and local institutional income; providing for depository banks, where said funds shall be deposited; providing for security for such deposits and the manner of making such deposits; providing for interest on said deposits; providing for terms of surety bonds furnished to secure such deposits and fixing the venue of suits to recover thereon; providing separate accounts, showing the sources of local fees collected and the purposes for which expended; providing for the handling of trust funds by said schools; providing for the printing of biennial reports showing all receipts and expenditures and for furnishing of said reports to certain State officers and members of certain committees of the Legislature; providing that the provisions of this Act shall not apply to income from the University Permanent Fund; providing penalties for violation of this Act; providing that if any part of this Act be held unconstitutional, said holding shall not affect the validity of the remainder of the Act, and providing that all laws or parts of laws in conflict herewith or contrary to this Act, be and they are hereby repealed, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The governing boards of the Agricultural and Mechanical College of Texas including the State Agricultural Experiment Station System and the Extension Service and Rodent Control Service, the Texas Forest Service, North Texas Agricultural College, John Tarleton Agricultural College, Prairie View State Normal and Industrial College, University of Texas including all branches of the University and the College of Mines and Metallurgy at El Paso, College of Industrial Arts, Texas College of Arts and Industries, Texas Technological College, East Texas State Teachers College at Commerce, North Texas State Teachers College at Denton, Sam Houston State Teachers College at Huntsville, Stephen F. Austin State Teachers College at Nacogdoches, Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine, and the West Texas State Teachers College

at Canyon, may retain control respectively of the following sums of money collected at each of said several institutions in carrying out the functions of an educational institution, such as funds collected from student fees of all kinds; charges for use of rooms and dormitories; receipts from meals, cafes and cafeterias; fees on deposit refundable to students under certain conditions; receipts from school athletic activities; income from student publications or other student activities; receipts from sale of publication products and miscellaneous supplies and equipment; students' voluntary deposits of money with said schools for safe-keeping; all other fees and local institutional income of a strictly local nature arising out of and by virtue of the educational activities, or research or demonstration carried on by each and all of said several schools.

Sec. 2. The governing boards of the respective institutions named in Section One above are authorized to select depository banks as places of deposit of all funds of the kind and character named in Section One which are collected by said institutions, and said boards shall require adequate surety bonds or securities to be posted to secure said deposits, and may require additional security at any time any of said boards deem any said deposit inadequately secured. All funds of the character named in Section One hereof which are so collected shall be deposited in said depository bank or banks within five days from the date of collection. Depository banks so selected are hereby authorized to pledge their securities to protect such funds. All depositories so designated shall pay interest on said deposits at a rate to be agreed upon by said depositories and said governing boards. Any surety bond furnished under the provisions of this Act shall be payable to the Governor of the State and his successors in office, and venue of suit to recover any amount claimed by the State to be due on any of said bonds is hereby fixed in Travis County, Texas.

Sec. 3. Separate accounts shall be kept on the books of the respective institutions showing the sources of all sums collected, and the purposes for which expended. All trust funds handled by the governing bodies of such institutions shall be

deposited in separate accounts and shall not become mingled with the general income from student fees or other local institutional income, and all such trust funds shall be secured by separate bonds or securities.

Sec. 4. True and full accounts shall be kept by the governing boards and by the employees of the said several institutions hereinabove mentioned of all funds collected from all sources by said institutions, and all the sums paid out by said several institutions and the persons to whom and the purposes for which said sums are paid, and the governing board of each of said institutions named shall biennially, and more often if the governing board of any of said institutions shall so order, print a complete report of all sums collected, all expenditures, and of the sums remaining on hand; said report to be printed in even numbered years after the first day of September and before the first day of the following January and shall show the true condition of all of said funds as of the 31st day of August preceding and shall show all collections and expenditures for the preceding two years. The governing board of each of said several institutions shall, upon the printing of said report, furnish copies thereof to the Governor, State Treasurer, State Comptroller of Public Accounts, State Auditor, Attorney General, not less than three copies to the Board of Control, and shall, within a week after the selection of said committee, furnish a copy of each of said reports for the preceding biennium to each member of the House Appropriations Committee, the Senate Finance Committee, and the House and Senate Committees on Education of each Regular Biennial Session of the Legislature of Texas.

Sec. 5. The provisions of this Act shall not apply to any income derived from the Permanent Fund of the University of Texas, but all income derived from the Permanent Fund of the University of Texas and all income from the two million acres of land set apart to the University of Texas by the Constitution and by the Act of 1883, shall be deposited in the State Treasury and paid out on Comptroller's warrants as is now provided by law. All income to the Available University Fund shall be deposited with the State Treasurer within five days after receipt there-

of by any State officer, agent or employee and shall be expended in accordance with Chapter 42, General Laws, Regular Session, 42nd Legislature, 1931.

Sec. 6. The provisions of this Act shall apply only to the funds hereinabove specifically enumerated and other local institutional income or donations or gifts to said schools.

Sec. 7. Any State officer, agent, employee or member of a governing board or any of the above named institutions, or any other person who violates any provision of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and in addition may be sentenced to not less than fifteen (15) days nor more than three (3) months in the county jail. Failure to print and furnish to the officers above named the reports above specified shall subject all of the members of the governing board of the institutions above mentioned to the penalties provided for in this section of the Act. Every day in excess of the number of days hereinabove provided for that any sum of money belonging to any of the funds enumerated in this Act, whether depositable in special depositories or whether those that should be deposited in the State Treasury, shall be withheld from deposit at its proper place of deposit, shall constitute a separate offense and each day of such withholding shall subject the officer, agent, employee or person so withholding said sum to the penalties herein provided for.

Sec. 8. If any section, part or sentence of this Act shall be held unconstitutional, such holding shall not affect the remaining portions of this Act and it is hereby declared that the Legislature would have enacted that part which is constitutional without having enacted the unconstitutional part, if any; and provided that all laws, or parts of laws in conflict herewith, or contrary to this Act, be and they are hereby repealed.

Sec. 9. The fact that under the present laws all the above institutions are withholding certain sums of money under a practice which has been established by them for a considerable period of time, and the fact that said institutions are scattered in various portions of the State and

it would work a great hardship on said schools to place their moneys in the local funds in the State Treasury and the further fact that existing laws do not provide for security of deposits placed in local depositories, and the further fact that existing laws do not provide for any adequate system of accounting by which the Legislature and the people of the State may be apprised of the amounts on hand and being expended by said institutions, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule for the reading of bills on three several days in each House, and said rule is hereby suspended, and this Act is made to take effect from and after its passage, and it is so enacted.

#### Interstate Legislative Assembly.

By Senator Oneal

Senate Chamber,

Austin, Texas, Feb. 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: Under instructions of the resolution adopted by the Senate on January 30, 1933, appearing on Page 138 of the Senate Journal, I attended the first Interstate Conference of Legislators held in Washington, D. C., February 3rd and 4th. This first Interstate Legislative Assembly was called to consider the problem of conflicting taxation, or double taxation, as the same has come about through both the Federal government and the State government levying the same kind of taxes, or levying taxes upon the same sources.

There were in attendance upon this Assembly, or Conference, representatives from the Legislatures of thirty-one of the States. There were also representatives of the Governors of various States. Eighty-four members of the Assembly were seated as voting delegates or conferees. The total registration was one hundred forty-four. The States represented were: California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas,

Utah, Virginia, Washington, West Virginia.

The importance of this Interstate Conference of State Legislators was recognized by President-Elect Franklin D. Roosevelt and well stated in his letter of December 28, 1932, to Hon. Henry W. Toll, Director of American Legislators Association, under the auspices of which the Interstate Conference was held. Mr. Roosevelt said:

"State of New York  
Executive Chamber  
Albany

December 28, 1932.

Dear Mr. Toll:

The plan to hold an Interstate Conference of Legislators to secure a better coordination of the revenue systems of the Federal Government and of the forty-eight states is a splendid idea. Many exceedingly important public questions are pressing for solution, and among the more urgent of these is the very one with which your Association proposes to deal.

In the past, the Federal Government has passed revenue legislation with too little consideration for state taxing systems and, on the other hand, the states have legislated with little reference to the Federal revenue plan and with almost no consideration for the tax programs of other states. This is not as it should be. I have given considerable thought to this problem and it is my hope to make at least a small contribution to a better synchronized Federal, state and local taxing system. And I shall eagerly follow the proceedings of your Conference, being hopeful that from it many good ideas will develop.

Very sincerely yours,  
FRANKLIN D. ROOSEVELT,  
Governor."

As I have heretofore stated, two days were devoted to the sessions. The purpose of the sessions of the first day were to develop a picture of the existing tax situation with reference to the double taxation. The purpose of the second day was to consider means for the development of a clearer relationship among the Legislatures of the various States to negotiate in a collective way with appropriate Committees of Congress in an effort to work out equitable

plans for the division of the tax field between the Federal government on the one side and the various state governments on the other.

As a further evidence of the importance attached to this meeting by the Federal government, the evening session of the first day three members of the sub-committee on double taxation, representing the Committee on Ways and Means of the House of Representatives, namely Hon. Fred M. Vinson, Chairman, Hon. David J. Lewis, and Hon. Carl R. Chinbloom, met with the conference and each spoke in explanation of the work of that Congressional Committee on double taxation and endorsed the program of the Interstate Legislative Assembly. At the evening session of the second day several other members of the Ways and Means Committee of the House of Representatives spoke to the Conference.

The work of the assembly was done under the direction of five organization committees: Finance, on which I had the honor of representing the State of Texas; Procedure and Resolutions; Next Assembly Committee; Committee on Credentials; and Committee on Committees.

On recommendation of the Committee on Committees the Assembly provided for the appointment of a permanent committee of the legislators of various States, numbering not less than ten nor more than fifteen, "to examine into and report on what may be done to relieve the present conflicting and overlapping system of taxation."

This committee was given authority to appoint sub-committees on particular phases of the subject and was empowered to provide for an Advisory Board and such technical assistants as it deems necessary. This permanent Committee of ten to fifteen is to be drawn from the various sections of the United States so as most nearly to be representative of groups of states having like tax problems. This committee will be announced later.

I have delayed making this report hoping to have the divisions of the United States, together with the representative from each division as is thereby provided for in this permanent committee. However, I am informed by Director Toll that there

will be some further delay in announcing this completed committee.

The delegates at this first assembly unanimously approved the plan to hold a second meeting when the permanent committee so appointed is ready to render its report. But before this second assembly is held the permanent committee may submit, by mail, such plans as it has decided upon to the present voting delegates and such delegates as may hereafter qualify; and the permanent committee will also confer with the proper congressional committees in its endeavor to work out a program of tax simplification and coordination.

It was contemplated by this first assembly that the second assembly would probably be held within the course of about twelve months.

The Finance Committee in its report recommended to the assembly that the further work of the assembly be supported by aid from the various states and the assembly authorized the solicitation of funds for this purpose from the public, such as the various states and from private sources such as foundations.

The assembly went on record as endorsing the "reduction of the tax burden, first by reduction of government expenditures, Federal, state and local, to bring such expenditures more in line with the ability of the people to pay; second by the development of a more orderly, systematic tax system, through coordination and agreement between the states and the Federal government; and third by eliminating so far as possible, the expense and aggravation caused the taxpayer by multiple assessment and collections from the same sources of revenue."

After the work of the conference was closed, President-elect Roosevelt again recognized the importance of the question of double taxation, or overlapping taxation by the states and the Federal government, and the need for co-operation among the States in dealing with the matter, by inviting the governors of all the states to meet with him in conference at Washington March 6th, stating as one of the subjects for consideration that of double taxation by the Federal and the State governments.

The seriousness with which the delegates at this first assembly set to work upon the problems which the assembly was convened to consider, and the hopeful view unanimously expressed by delegates from every state represented at the assembly that the states by concerted action and consultation among their representatives at future like assemblies can procure the co-operation of Congress and thereby find a common solution of the problem of overlapping taxation beneficial to the whole people, impressed me with the firm conviction that this work will be continued by the states. Probably no state in the Union has more to gain from the proper solution of this problem than has Texas. I am, because of the benefits that would accrue to the people of Texas, of the firm conviction that the Legislature of this State should be continuously represented at the future Interstate Legislative Assemblies.

There is another reason why, in my opinion, it is imperative that the State of Texas should be represented in the work of the Interstate Legislative Assemblies. A large number of the states are going to participate in this proposed work. For the protection of the people of Texas it is essential that we likewise participate in it.

Naturally different sections of the United States are affected differently by the double taxation. States having income tax laws feel more keenly the burden of the Federal income tax. States having high gasoline tax are more adversely affected by the Federal 1 cent gasoline tax. States that enact sales tax laws will feel more greatly the burden of any Federal sales tax.

In addition to the tax burden itself, the industries of different sections of the country will be differently affected by the double taxation. Taking the situation in Texas, Oklahoma, California and other oil producing states, we can readily see a gallon rate that we have, the added 1 cent gasoline tax. With the 4 cent a gallon rate that we have, the added 1 cent a gallon Federal tax has the effect of decreasing the amount of

gasoline sold. That necessarily reduces the amount of tax that the State of Texas received from its 4 cent a gallon levy. Not only that, but the decrease in the demand for gasoline is followed by a decrease in the demand for crude petroleum. This decrease in the demand for crude petroleum depresses the price of that production and thereby affects the financial condition of the oil producing sections of Texas.

In Kentucky, for instance, a different problem faces the taxpayer. That state is a large producer of tobacco. For over one hundred years the Federal government has taxed tobacco. Since thirteen of the states have, in recent years, passed laws taxing tobacco in some form, or all of its forms, the demand for tobacco has fallen off heavily, thereby decreasing the demand for that product in the hands of the growers in Kentucky. Other illustrations might be given. But the point is that when the states in the Interstate Legislative Assembly, through the permanent committee, come to negotiate with Congress upon a division of the field of taxation, there may be a contest between the different sections of the United States as to what field will be left to the Federal government and what field reserved for the states. And it is just here that may readily be seen the necessity for every state to be represented and use its influence toward protecting itself.

For all of the foregoing reasons I am, I repeat, of the opinion that the Legislature of the State of Texas should actively participate in the next Interstate Legislative Assembly and the succeeding ones, and I recommend that the Senate continue to participate in the work of the Interstate Legislative Assembly.

In closing I desire, Mr. President, to thank the Senate for the honor bestowed upon me in sending me to this first Interstate Legislative Assembly.

Respectfully submitted,  
BEN G. ONEAL,

Representative of the Senate to  
First Interstate Legislative Assembly.

**In Memory**  
**of**  
**Senator Thomas J. Walsh**

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**SENATE SIMPLE RESOLUTION NO. 62.**

Senator Purl sent up the following resolution:

Resolved, That the Texas State Senate has heard with profound regret of the sudden death today of U. S. Senator Thomas J. Walsh of Montana, already chosen by President-elect Roosevelt to be Attorney General of the United States.

In the passing of Senator Walsh we recognize that the American people and the civilized world have suffered a staggering loss. For twenty-two years he has represented his State in the United States Senate and he has established the undisputed record of being the ablest and most efficient investigator in the history of the world and has been the most fearless foe of corruption in high places and of dereliction to trusts, both in public and private affairs, known to American history.

He has been a constructive statesman, a true friend of the American people and of all mankind. Peace to his ashes.

Resolved Further, That when the Senate adjourns today that it adjourn in respect to the memory of Senator Walsh and that the Secretary of the Senate be instructed to transmit this resolution by wire to the widow of the deceased.

PURL,  
BECK,  
BLACKERT,  
COLLIE,  
COUSINS,  
DeBERRY,  
DUGGAN,  
FELLBAUM,  
GREER,  
HOLBROOK,  
HORNSBY,

HOPKINS,  
MARTIN,  
MOORE,  
MURPHY,  
NEAL,  
ONEAL,  
PACE,  
PARR,  
PATTON,  
POAGE,

RAWLINGS,  
REDDITT,  
REGAN,  
RUSSEK,  
SANDERFORD,  
SMALL,  
STONE,  
WOODRUFF,  
WOODUL,  
WOODWARD.

Read and adopted unanimously by a rising vote.

On motion of Senator Purl a special page in the Journal was set aside for the printing of the resolution.